

REMARKS

It is respectfully submitted that the cited reference, assigned to the assignee of the present application, has very little relation to the present application. So little in fact, that the cited reference does not teach one of the limitations of the claim. The basis for citation appears to be the material in the background that suggests that in order to relocate precompiled code at run time, memory address fix ups are required. See column 3, lines 25-30. But this is discussed, not as something that is recommended, but as an asserted disadvantage of the prior art. As stated in that cited material, "as yet another disadvantage, precompiled code is not positioned independent ... in order to relocate precompiled code at run time, memory address fix ups are required." Thus, this is a disadvantage of the prior art and not a feature inherent in the claimed invention. The cited reference seeks to proceed "without the disadvantages attendant with pre-compilation approaches." See column 3, lines 35-40. In other words, there is no such relocation in the cited reference and the disadvantages are thereby removed.

Given that there is no relocation in the cited reference, it is hard to understand why it is cited. Not only is there no relocation, there is no relocation responsive to a hardware event or relocating performed during current execution of the software application.

It is respectfully submitted that the material cited in support of the rejection of claim 1 is totally irrelevant to the claimed invention. There is no teaching of anything having anything whatsoever to do with the claimed invention. Therefore, the rejection is non-statutory and should be withdrawn. A reference which teaches absolutely nothing that is relevant to the claimed invention cannot possibly be modified to meet the claimed invention.

With respect to the first paragraph, it is suggested that "Crelier does not specifically indicate that code is relocated." This is, politely speaking, an understatement. The cited reference teaches that relocation is a disadvantage and suggests eliminating the disadvantages. Somehow from this it is deduced that the reference teaches enabling relocations when required to compensate for garbage collection, optimizations, or to enable direct invocation of methods. Of course, nothing in the cited reference says any of this. The cited material seems to have no basis or bearing on what it is cited for. Further, it is stated that code is relocated to improve memory consumption, citing column 6, lines 55-66. This material in no way supports the assertion. To the

contrary, the cited reference suggests not doing relocations because that is disadvantageous. Again, the basis for citing the reference is unclear.

With respect to the second clause, it is stated that optimizations are performed responsive to the specific hardware system utilized in which the event is to improve processing speed. What bearing this statement has on the claimed invention is very difficult to perceive. Moreover, it is totally unsupported by the cited material.

The third clause is rejected with the note that "relocations may occur at run time." But, even if that is so, that does not mean that relocation is performed during execution of a software application in the cited reference.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

Despite the fact that claim 20 is completely differently worded, the total sum of the rejection of claim 20 is to refer to the rejection of claim 1. The rejection of claim 1 has issues, as pointed out above. Moreover, the failure to point out how the different language of claim 20 is met fails to make out a *prima facie* rejection. Withdrawal of the rejection is required under these circumstances.

On the same basis, reconsideration of the rejection of claim 32 is respectfully requested.

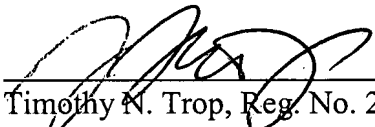
Claim 40 is an apparatus claim. The sum total of the analysis applied to this rejection is to "see the rejection of claim 33, in view of claim 7, in view of claim 5." Claim 33 has no apparent relationship to claim 40. Claim 7 has no apparent relationship to claim 33 or to claim 40. Claim 5, similarly, has no apparent relationship to any of these points. Therefore, the rejection of claim 40 is non-statutory, fails to set forth its basis, and should be withdrawn.

It is impossible to respond to the rejection of claim 49 since no analysis whatsoever is propounded. Again, the rejection is improper, contrary to the rules, and amounts to a failure to examine the application. Under these circumstances, it is necessary to reissue a proper rejection pointing out the deficiencies in the claim. If any questions arise in this regard, please contact the undersigned.

Pursuant to the rules, the applicant requests correction of the office action and if such an accommodation cannot be achieved, an appropriate petition will be filed.

Respectfully submitted,

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